

December 27, 2011

Mr. Corbin Davis
Clerk, Michigan Supreme Court
925 w. Ottawa Street
Lansing, MI 48914

Re: Admin. File 2010-15
Proposed Amendment of MCR 6.005

Dear Mr. Davis:

I write in support of the proposed amendment to MCR 6.005 as written. I do a fair amount of appointed appellate work in my practice. While most lawyers are generous in providing discovery for an appeal, I sometimes have difficulty in obtaining the discovery. On those occasions when the trial level lawyer does not provide the client's discovery (for whatever reason), it is virtually impossible for me to reconstitute the discovery. This difficulty is increased when I have to try to find some types of materials or evidence that was not admitted at trial but is stored on various "media".

I do not believe this proposed rule change will put any undue burden on trial practitioners. I practice criminal case defense at the Circuit Court level and I am already obligated to maintain the client's file. There is no increased burden on the trial level attorney.

This rules change will make it clear where an appellate attorney can find the discovery material, and who has to maintain the material for appellate proceedings.

This proposed rule change should be adopted.

Thank you.

Sincerely,

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